IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 30056 of 2007(C)

PETITIONER:

SURESH KUMAR.K.,
KARAMATHIL HOUSE, KADAKKAL P.O. TIRUR.
MALAPPURAM DISTRICT.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
MALAPPURAM.

2. THIRUNAVAYA GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY
THIRUNAVAYA, MALAPPURAM.

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 30056 OF 2007 C
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Dated this the 11th day of October, 2007

J U D G M E N T

Ext.P3 order passed by the 1st respondent under Rule 27 of the Protection of River Banks and Regulation of Removal of Sand Act and Rules, 2001 is under challenge in this writ petition. A reading of Ext.P3 shows that none of the submissions made by the petitioner were considered.

2. According to the learned counsel for the petitioner, the transportation was on the strength of Ext.P1 pass. It is also pointed out that in terms of Ext.P1, the vehicle was to leave at 9.00 A.M. Counsel submits that immediately thereafter, at 9.20 A.M, the vehicle was seized. Counsel also makes reference to Ext.P2 representation where the details of his contentions have been narrated to the 1st respondent.

3. Since none of the contentions have been considered by the 1st respondent, Ext.P3 is to be held bad for non application of

mind and for that reason I quash Ext.P3 and direct the 1st respondent to pass a revised order with notice to the petitioner and adverting to the contentions raised.

Writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp